

Practitioner's Docket No. MPI00-535OMNICN1M

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Fraser, Christopher C., et al

Application No.: 10/741,790

Group No.: 1646

Filed: December 19, 2003

Examiner: Jiang, Dong

For: NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,  
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

**List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. (x) Preliminary Statements
2. (x) Copy of Form PTO-892 as filed in prior U.S. Application Serial No. 09/578,063, now U.S. Patent No. 6,764,677 (3 pages);
3. (x) Form PTO/SB/08A (1 page);
4. (x) Form PTO/SB/08B (3 pages);
5. (x) Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
6. (x) Identification of Person(s) Making This Information Disclosure Statement

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. SECTION 1.8(a)**

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Sean Hunziker

(type or print name of person certifying)

Date: August 8, 2006

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**Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 2. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

This application relies, under 35 U.S.C. section 120, on the earlier filing date of prior application SN.: 09/578,063, filed on May 24, 2000, now U.S. Patent No. 6,764,677.

The cited references in Form PTO-892 and in forms PTO/SB/08A and PTO/SB/08B (as Form PTO-1449) were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application. However, the undersigned will provide additional copies upon request.

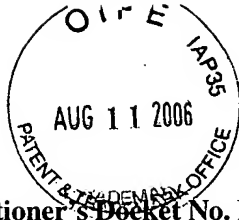
August 8, 2006

MILLENNIUM PHARMACEUTICALS, INC.

By

  
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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	Fraser, Christopher C., et al		
Application No.:	10/741,790	Group No.:	1646
Filed:	December 19, 2003	Examiner:	Jiang, Dong
For:	NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed:

- ☒ Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

**OR**

- ☐ *After* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

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Practitioner's Docket No. MPI00-535OMNICN1M

- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

☐ Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

☐ Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

OR

☐ The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

☐ In accordance with the requirements of 37 C.F.R. Section 1.97(d):

A. ☐ Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

B. ☐ Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

C. ☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

Practitioner's Docket No. MPI00-535OMNICN1M

**FEE PAYMENT**

3. ☐ The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

☒ Applicant believes no fee is due in connection with this submission.

		Fee due	\$0.00
<b>METHOD OF PAYMENT OF FEE</b>			
4. <input type="checkbox"/> Attached is a check in the amount of \$ _____.			
<input type="checkbox"/> Charge Account No. 501668 in the amount of		\$0.00	.
<input type="checkbox"/> A duplicate of this request is attached.			

If any additional fees are due, please charge Account 501668.

<u>August 8, 2006</u>	MILLENNIUM PHARMACEUTICALS, INC.
	By <u><i>Mario Cloutier</i></u>
	Mario Cloutier
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**Complete if Known**

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet

1

of

1

Application Number

10/741790

Filing Date

December 19, 2003

**First Named Inventor**

Fraser, Christopher C.

### Group Art Unit

1646

Examiner Name

Jiang, Dong

Attorney Docket Number

MPI00-535OMNICN1M

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document (MM-DD-YYYY)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	B1	WO	96/34873			11-07-1996		
	B2	WO	98/45436			10-15-1998		
	B3	EP	0911399			04-28-1999		
	B4	JP	95/14772			01-06-1995		
	B5	WO	99/06550			02-11-1999		
	B6	WO	00/06698			02-10-2000		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation design number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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		<b>Application Number</b>	10/741,790		
		<b>Filing Date</b>	December 19, 2003		
		<b>First Named Inventor</b>	Fraser, Christopher C.		
		<b>Group Art Unit</b>	1646		
		<b>Examiner Name</b>	Jiang, Dong		
<b>Sheet</b>	1	<b>of</b>	3	<b>Attorney Docket Number</b>	MPI00-535OMNICN1M

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T <sup>2</sup>
	C1	ELSBACH, 1998, Journal of Leukocyte Biology, 64:14-18	
	C2	MAHADEVA et al., 1997, Chest 112:1699-1701 (sequence) GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on April 24, 2002]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AK057788	
	C3	DOCHERTY et al., Gastric triacylglycerol lipase precursor (Gastric Lipase) (GL) (Lingual Lipase). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on August 13, 1987]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenPept Accession No. P04634	
	C4	VAGANAY et al., Gastric triacylglycerol lipase precursor (Gastric Lipase)(GL). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on November 1, 1991]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenPept Accession No. P80035	
	C5	LIVINGSTON, R.J. et al., Gastric triacylglycerol lipase precursor (Gastric Lipase)(GL). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on April 1, 1988]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenPept Accession No. P07098	
	C6	SUZUKI, Y. et al., Lysosomal acid lipase/cholesteryl ester hydrolase precursor (LAL)(Acid cholesteryl ester hydrolase)(Sterol esterase)(Lipase A)(Cholesteryl esterase). (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on October 1, 1994]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenPept Accession No. P38571	
	C7	WILSON et al., Hypothetical protein C06E1.3. (sequence) GenPept [online]. Bethesda, MD, USA: National Center for Biotechnology Information [created on February 1, 1994]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenPept Accession No. P34298	
	C8	NCI-CGAP <a href="http://www.ncbi.nlm.nih.gov/ncigap">http://www.ncbi.nlm.nih.gov/ncigap</a> , nh47c10.s1 NCI_CGAP_Pr5 Homo sapiens cDNA clone IMAGE:955506 similar to SW:TSG6_HUMAN P98066 TUMOR NECROSIS FACTOR-INDUCIBLE PROTEIN TSG-6 PRECURSOR: mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [August 20, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA506741	
	C9	MARRA et al., vs90b02.r1 Barstead mouse myotubes MPLRB5 Mus musculus cDNA clone IMAGE:1153515 5' similar to SW:UROT_RAT P19637 TISSUE PLASMINOGEN ACTIVATOR PRECURSOR; mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [November 25, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA670682	
	C10	MARRA et al., vi87g10.r1 Stratagene mouse heart (#937316) Mus musculus cDNA clone IMAGE:919266 5'; mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [July 1, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA499001	

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		<b>First Named Inventor</b>	Fraser, Christopher C.		
		<b>Group Art Unit</b>	1646		
		<b>Examiner Name</b>	Jiang, Dong		
<b>Sheet</b>	2	of	3	<b>Attorney Docket Number</b>	MPI00-535OMNICN1M

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T <sup>2</sup>
	C11	MARRA et al., vu67d08.r1 Stratagene mouse skin (#937313) Mus musculus cDNA clone IMAGE:1196463 5'; mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 9, 1998]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA794194	
	C12	MARRA et al., vv53h10.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:1226179 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [January 21, 1998]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA756504	
	C13	MCLAREN, S., Human DNA sequence from clone CTA-57G9 on chromosome 22q12.1, complete sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 18, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. Z95116	
	C14	WIJNGAARD, et al., B.bovis WC1.1 mRNA GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [April 18, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. X63723	
	C15	ADAMS, R.H., M. musculus mRNA for semaphoring B. mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [April 18, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. X85991	
	C16	NCI-CGAP <a href="http://www.ncbi.nlm.nih.gov/ncicgap">http://www.ncbi.nlm.nih.gov/ncicgap</a> , aa34h11.r1 NCI_CGAP_GCB1 Homo sapiens cDNA clone IMAGE:815205 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [August 14, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA481246	
	C17	HILLIER, et al., ze94e06.r1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:366658 5', mRNA sequence GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 1, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA029404	
	C18	MACKE, et al., 17e7 Human retina cDNA randomly primed sublibrary Homo sapiens cDNA, mRNA sequence GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 8, 1996]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. W25986	
	C19	HILLIER, et al., zj63a09.s1 Soares_fetal_liver_spleen_1NFLS_S1 homo sapiens cDNA clone IMAGE:454936 3', mRNA GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 5, 1998]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA779337	

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		<b>Group Art Unit</b>	1646
		<b>Examiner Name</b>	Jiang, Dong
		<b>Attorney Docket Number</b>	MPI00-535OMNICN1M
(use as many sheets as necessary)			
Sheet	3	of	3

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T <sup>2</sup>
	C20	HILLIER, et al., zn42f02.r1 Stratagene endothelial cell 937223 Homo sapiens cDNA clone IMAGE:550107 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [August 1, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA082143	
	C21	MARRA, et al., mellb04.r1 Soares mouse embryo NbME13.5 14.5 Mus musculus cDNA clone IMAGE:387151 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [June 11, 1996]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. W65734	
	C22	MARRA, et al., mj65c04.r1 Soares mouse p3NMF19.5 mus musculus cDNA clone IMAGE:480966 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [September 23, 1996]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA059511	
	C23	MARRA, et al., mq60d04.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:583111 5', mRNA sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [February 19, 1997]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AA153748	
	C24	SMITH, M., Human DNA sequence from clone RP1-149A16 on chromosome 22 contains four novel genes (LOC339666, HSPC117), the RFPL3 gene for ret finger protein-like 3, a immunoglobulin lambda chain pseudogene, the RFPL3S gene for ret finger protein-like 3 antisense, the BPIL2 gene for bactericidal/permeability-increasing protein-like 2, the 5' end of the FBXO7 gene for F-box protein 7 and three CpG islands, complete sequence. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [May 18, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AL021937	
	C25	AMEIS, et al., H. sapiens mRNA for lysosomal acid lipase. GenBank [online]. Bethesda, MD, USA: National Center for Biotechnology Information [April 18, 2005]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. X76488	
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Page 1 of 1

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Reexamination  
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Art Unit

1646

Page 1 of 2

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Art Unit

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Page 2 of 2

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